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10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION

13  
14 UNITED STATES OF AMERICA, ) No. CR 08-0865 JW  
15 Plaintiff, )  
16 v. )  
17 GARY RAY BASSETT, )  
18 Defendant. )  
19 \_\_\_\_\_)

*[Signature]*  
STIPULATION AND [PROPOSED]  
ORDER CONTINUING STATUS  
HEARING AND EXCLUDING TIME  
FROM THE SPEEDY TRIAL ACT  
CALCULATION (18 U.S.C.  
§ 3161(h)(8)(A))

20 This matter was scheduled before the Court for a status hearing on December 14, 2009.

21 The parties learned earlier today that the defendant's ongoing medical issues created a situation  
22 where the Marshals were unable to transfer the defendant to Court for his status hearing this  
23 afternoon. Due to this development, the parties respectfully request that this matter be continued  
24 until February 8, 2010 for disposition or trial setting. The parties will work with the Marshals to  
25 facilitate whatever accommodations to the defendant's medical situation need to be made to  
26 facilitate his appearance at that February 8, 2010 hearing. The parties agree, and the Court finds  
27 and holds, as follows:

28 1. This matter is continued to February 8, 2010 for disposition or trial setting.

STIPULATION AND [PROPOSED] ORDER  
CR 08-0865 JW

1           2. The time between December 14, 2009 and February 8, 2010 is excluded under the  
2 Speedy Trial Act. The parties agree that the failure to grant the requested continuance would  
3 unreasonably deny defense counsel reasonable time necessary for effective preparation, taking  
4 into account the exercise of due diligence. Finally, the parties agree that the ends of justice  
5 served by granting the requested continuance outweigh the best interest of the public and the  
6 defendant in a speedy trial and in the prompt disposition of criminal cases. 18 U.S.C. §  
7 3161(h)(8)(A).

## 8 IT IS SO STIPULATED:

**9** DATED: 12/14/09

/s/  
**ROBERT HARTMANN**  
Attorney for Defendant Bassett

**12** || DATED: 12/14/09

/s/  
JOSEPH A. FAZIOLI  
Assistant United States Attorney

14 IT IS SO ORDERED.

**15** DATED: December 14, 2009

  
\_\_\_\_\_  
JAMES WARE  
UNITED STATES DISTRICT JUDGE

STIPULATION AND [PROPOSED] ORDER  
CR 07-00215 JF